

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue

Local Law Filing

www.dos.ny.gov

Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

(Select one:)

of North Syracuse

Local Law No. 6 of the year 2023

A local law Smoke Shops And Tobacco Retailers

(Insert Title)

A Local Law Regulating Regulating Smoke Shops in the Village

Be it enacted by the

Board Of Trustees

(Name of Legislative Body)

of the

County City Town Village

(Select one:)

of North Syracuse

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 20 23 of the (County)(City)(Town)(Village) of North Syracuse was duly passed by the Board Of Trustees on Dec. 14th 20 23, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the _____ on _____ 20 _____, and was (approved)(not approved) and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) in accordance with the applicable provisions of law.

Proposed Village of North Syracuse Code Amendment

SMOKE SHOPS AND TOBACCO RETAILERS

A. **Purpose.** In accordance with New York State Public Health Law § 1399-ii, the Village of North Syracuse intends to limit the further concentration of smoke shops and tobacco retailers within the Village. The regulations herein are intended to further the goals of New York State's tobacco use prevention and control program, due to the known adverse impacts of tobacco **and nicotine** use. In furtherance of the state's goals, the Village finds that:

1. Smoke shop and tobacco retailer density is associated with higher rates of tobacco use in both youth and adult populations; and
2. Adolescent brains are vulnerable to the effects of nicotine and to nicotine dependency; and
3. Tobacco use leads to preventable death and disease in New York State; thus
4. The restriction of increasing smoke shop and tobacco retailer density will reduce the availability of nicotine products to residents, and in particular young residents, thus reducing risk to the public's health, safety, and wellbeing.

B. **Consistency with NYS Laws, Rules, and Regulations.**

1. All smoke shops and tobacco retailers within the Village shall comply with the applicable NYS laws, rules, and regulations in addition to those contained herein.
2. Where the regulations of this Section may be in conflict with a state law, rule, or regulation the more restrictive shall apply, unless such local regulation is otherwise preempted by state law.

C. **Definitions.**

1. **Smoke Shop and/or Tobacco Retailer** – a sole proprietorship, corporation, limited liability company, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories, either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.

D. Permit Required.

1. All **smoke shops and tobacco retailers** within the Village of North Syracuse after the effective date of this chapter must obtain a special use permit and site plan approval in accordance with Village Code.
2. A special use permit for a smoke shop or tobacco retailer shall be valid for a period of **24** months from the date of issue and must be renewed prior to expiration for the property to continue to be used for such purposes.
3. The renewal of a permit for existing smoke shops or tobacco retailers with no changed conditions shall be reviewed and approved by the Code Enforcement Officer or Mayor.
4. The renewal of a permit for existing smoke shops or tobacco retailers with changed conditions shall be reviewed and approved by the Village Board of Trustees.
5. A special use permit issued for a smoke shop or tobacco retailer is not transferable to a new owner. The new owner of the smoke shop or tobacco retailer must file a new application in accordance with the terms of this Section if such property is to continue to be used as a smoke shop or tobacco retail operation.

6. After three verified complaints and/or violations of this Law or any violation of relevant federal or state laws, a special permit shall be revoked. Appeals may be made to the Village Zoning Board of Appeals.

E. General Regulations

1. It is unlawful for a smoke shop and tobacco retailer to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop and tobacco store.
2. Smoke shops and tobacco retailers shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. Said signage shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco retail operation. It shall be unlawful for smoke shop and tobacco retailers to fail to display and maintain, or fail to cause to be displayed or maintained, said signage.
3. Exterior attention-getting devices including, but not limited to, LED signs, flashing lights, rope lighting, flags, and banners shall be prohibited. Attention-getting devices located within the building shall not be readily visible from the public right-of-way.
4. All smoke shops and tobacco retailers must comply with the sign regulations contained in the Village Code.
5. Business hours shall be permitted to occur between the hours of 8:00 AM and 8:00 PM.

F. Location.

1. Smoke shops and tobacco retailers may be eligible for a special use permit in, and only in, any zoning district of the Code of the Village of North Syracuse that allows for retail establishments or retail sales and service uses, provided that:

- a. Any part of the property line of the smoke shop or tobacco retailer is not located within 1,500 feet from the nearest point of the property line of one or more existing licensed smoke shop or tobacco retailer; and
- b. Any part of the property line of the smoke shop or tobacco retailer is not located within 1,500 feet from the nearest point of the property line of a school, playground, child-care facility, public library, place of worship, or municipal park.

g. Existing Smoke Shops and Tobacco Retailers.

- 1. Smoke shops and tobacco retailers that are legally existing on the effective date of this section may continue to operate as legal nonconforming uses and shall not be required to obtain a special use permit.
- 2. Any significant change (as determined by the Village Code officer) of the legal nonconforming use, or change in ownership of either the business or the property owner shall require the owner or agent to obtain a new special use permit.
- 3. Any nonconforming sign or attention getting device, the appraised value of which is less than **three hundred (\$300)** dollars shall be removed or altered to comply with the provisions of this section not later than one (1) year after the effective date of this section.

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR
ROBERT J. RODRIGUEZ
SECRETARY OF STATE

January 3, 2024

Village of North Syracuse
600 South Bay Road
North Syracuse, NY 13212

RECEIVED
JAN 08 2024
Village of North Syracuse

RE: Village of North Syracuse, Local Law ^b/₈ 2023, filed on 12/28/2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**